

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7993 of 2015

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Anil Kumar son of Sri Jawala Prasad Resident of village- Ahiyachak, P.S. Katrisarai, District- Nalanda.

.... Petitioner

Versus

1. The State of Bihar through its Chief Secretary Government of Bihar, Patna.
2. The District Magistrate, Nalanda at Biharsharif
3. The Superintendent of Police, Nalanda at Biharsharif
4. The Sub. Divisional Officer. Rajgir District- Nalanda
5. The Block Development Officer, Katrisarai, District- Nalanda.
6. The Circle officer Katrisarai District- Nalanda.
7. The S.H.O Katrisarai P.S. District- Nalanda
8. The Religious Trust Board, Patna through its Chairman
9. The Mukhiya Gram Panchayat Raj, Mairabariph, Block Katrisarai, District- Nalanda.
10. The C.P.I. Male through its President, Bihar Patna
11. The District Secretary, C.P.I Male, Nalanda at Biharsharif

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sudish Kumar, Advocate

For the Respondent/s : Mr. Avanindra Kumar Jha, AC to AAG13

For Religious Trust Board: Mr. Ganpati Trivedi, Sr. Advocate

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 04-04-2016

Heard Mr. Sudhir Kumar, learned Counsel, appearing

on behalf of the petitioner, and Mr. Avanindra Kumar Jha, learned

Assistant Counsel to Additional Advocate General No.13, appearing

on behalf of the State-respondents. Also heard Mr. Ganpati Trivedi,

learned Senior Counsel, appearing on behalf of Religious Trust Board,

Patna.

2. With the help of this writ petition, made under Articles

226 and 227 of the Constitution of India, in the form of Public Interest



Litigation, the petitioner seeks direction to the official respondents (respondent Nos. 1 to 9) to restrain respondent Nos. 10 and 11 from encroaching upon the land of Durga Asthan Mandir, Ahiyachak, Katrisarai, Campus, and from constructing Statute/Memento/ Remembrance in the name of Comrade Satish Chandra and for further direction to respondent Nos. 2, 3 and 7.

3. A counter affidavit has been filed by Bihar State Board of Religious Trust (hereinafter referred to as 'the Board'). In para 5 of the counter affidavit, the Board states that Durga Temple, in question, is not registered with the Board. However, the villagers of village Ahiyachak have represented before the President of the Board against the highhandedness of the leaders of a political party, who are insisting on putting a statue of late Satish Chandra on the land dedicated to the said temple. The President of the Board, immediately, requested the District Magistrate, Nalanda, to take immediate steps in the matter. The Board, in pursuance of the order of this Court, dated 30.01.2016, deputed its Law Agent to submit an enquiry report, which was forwarded on 05.02.2016.

4. From the report, it transpires that temple has been constructed by the local people on an area about 66 feet x 125 feet and is managed by a committee comprising of local manager. About 90% of 1.56 acres of land of the temple have been encroached upon and

several buildings have come up. The temple has, now, been registered as a Religious Trust on 15.02.2016. The Superintendent of the Board, vide letter No. 3752, dated 15.02.2016, has asked the Circle Officer, Katri Sarai, Nalanda, to identify the encroached portion of the land belonging to the temple/deity. However, no response has been received by the Circle Officer, Katri Sarai, Nalanda.

5. The writ application is disposed of with direction to Circle Officer, Katri Sarai, Nalanda, to do the needful in accordance with law in the light of the letter of Superintendent of the Board, dated 15.02.2016. The whole exercise, so directed, shall be complied within a period of three months from the date of receipt of a copy of this order by the Circle Officer, Katri Sarai, Nalanda. We also direct the Religious Trust Board to deal with the subject-matter of this Public Interest Litigation on such terms as may be permissible in law.

6. With the above observations and direction, this writ petition stands disposed of.

(I. A. Ansari, ACJ.)

(Samarendra Pratap Singh, J.)

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